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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,840	04/04/2002	Tomonori Fujisawa	K-2045	4988
32628	7590	11/16/2004	EXAMINER	
HAUPTMAN KANESAKA BERNER PATENT AGENTS SUITE 300, 1700 DIAGONAL RD ALEXANDRIA, VA 22314-2848			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/089,840	Applicant(s) FUJISAWA ET AL.	
	Examiner Binh-An D. Nguyen	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/2/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3 are objected to because of the following informalities:

Claims 1-3 are unclear since each claim does not include a term such as "comprising" to define where the preamble ends and the body of the claim starts.

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. The claims appear to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

Further, in claim 1, the method steps have not been positively recited, e.g., starting...; selecting...; distributing...; etc. . Also, it is unclear who exactly is the participant submitting a request for other participant. Note, the applicant must clearly differentiate the subscriber submitting the search information and the subscriber being searched.

In claims 2 and 4 (line 13, respectively), the recited term "the channel" lack antecedent basis; and has not been clearly disclosed in the specification. Further, in

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claim 2, the recited term "the network terminal" (line 14) lack antecedent basis. Note, the term should be recited as "each of the plurality of network terminals."

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 7 claimed a computer program which is non-statutory subject matter. Note, the applicant may overcome the rejection by amending the computer program to be embedded in a computer readable medium, e.g., "a computer program embedded in a computer readable medium for controlling a network server to search for at least a participant in an online game or chat comprising the steps of:"

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunney et al. (6,446,112).

Bunney et al. teaches a system, method or computer readable medium for searching at least one participant in an online chat comprising: an online network having a network server and a plurality of network terminals (abstract; 1:48-2:36; and Fig.1); wherein the network server comprises: a subscriber attribute information storage section for storing attribute information received from a plurality of network subscribers (5:3-46); receiving participant search information from a subscriber connected to a network collating the participant search information to attribute information for the plurality of network subscribers stored in the server, and selecting appropriate subscribers currently connected to the network; distributing participant recruiting information to the plurality of network subscribers (4:37-5:8); an ID (identification) storage section for storing therein IDs (identifications) of the plurality of network subscribers (3:66-4:22); a participant selection section for selecting at least one subscriber satisfying the conditions specified from a participant's demand for requesting an online game's or chat's opponent or partner from at least one of the plurality of network subscribers having attribute information stored in the subscriber attribute information storage section (4:31-5:46); a log-in monitoring section for managing a relation between an ID and an IP (internet protocol) address of each of the plurality of network subscribers currently logging-in in the channel (1:4-39; 7:27-9:56); network terminal further comprises an ID storage section (or ID retaining section) for selecting candidates for ID exchange from network subscribers and storing the subscribers' IDs in the terminal (9:21-34). Note that, the limitations of a network terminal comprising an ID retaining section for retaining an ID assigned to the terminal from the network server,

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and an IP recording section for temporally recording therein an IP address assigned by a provider to which each of the plurality of network subscribers subscribes during the online mode until an operation for switching to the offline mode (disconnecting internet browser) is performed, are inherent from internet browser interface which temporarily stores browsing data and address in the terminal (1:4-39; 9:21-10:59).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN


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